

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WARREN HARLESS,

Petitioner,

v.

**WARDEN, ROSS
CORRECTIONAL INSTITUTION,**

Respondent.

CASE NO. 2:16-CV-00196

JUDGE ALGENON L. MARBLEY

Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

On November 8, 2016, the Magistrate Judge issued an *Order and Report and Recommendation* denying Petitioner's *Motion to Appoint Counsel* (ECF No. 2) and recommending that Respondent's *Motion to Dismiss* (ECF No. 10) be granted and that this action be dismissed. (ECF No. 12.) Although the parties were advised of the right to object to the Magistrate Judge's *Order and Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed. The docket indicates that notice of the Magistrate Judge's *Order and Report and Recommendation* was returned as undeliverable, with no forwarding address. Petitioner, however, has an affirmative duty to update the Court with his current address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) ("If [pro se party's] address changed, she had an affirmative duty to supply the court with notice of any and all changes in her address."); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) ("[W]hile pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues . . . there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend.")

The *Order and Report and Recommendation* (ECF No. 12) is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion to Appoint Counsel* (ECF No. 2) is **DENIED**. Respondent's *Motion to Dismiss* (ECF No. 10) is **GRANTED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

DATED: December 20, 2016

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge